

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: DAVOL, INC./C.R. BARD,
INC., POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION

Case No. 2:18-md-2846

JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson

This document relates to:
Milanesi v. C.R. Bard,
Case No. 2:18-cv-01320

**ORDER GRANTING PLAINTIFFS’
MOTION TO TEMPORARILY SEAL (ECF No. 113)**

This matter is before the Court on Plaintiffs’ Motion to Temporarily Seal Plaintiffs’ Replies to Defendants’ Opposition to various motions to exclude expert testimony:

- Plaintiffs’ Reply to Defendants’ Response in Opposition to Plaintiffs’ Motion to Exclude The Opinions And Testimony Of Defense Expert Marion J. Fedoruk, M.D.;
- Plaintiffs’ Reply to Defendants’ Response in Opposition to Plaintiffs’ Motion to Exclude The Opinions And Testimony Of Defense Expert Thomas Michael Galassi, MPH, CIH;
- Plaintiffs’ Reply to Defendants’ Response in Opposition to Plaintiffs’ Motion to Exclude The Opinions And Testimony Of Defense Expert Maureen T.F. Reitman, Sc.D.;
- Plaintiffs’ Reply to Defendants’ Response in Opposition to Plaintiffs’ Motion to Exclude The Opinions And Testimony Of Defense Expert Greg Richey;
- Plaintiffs’ Reply to Defendants’ Response in Opposition to Plaintiffs’ Motion to Exclude The Opinions And Testimony Of Defense Expert George Kevin Gillian, M.D., F.A.C.S.;
- Plaintiffs’ Reply to Defendants’ Response in Opposition To Plaintiffs’ Motion to Exclude The Opinions And Testimony Of Defense Expert Zachary L. Gleit, M.D., F.A.C.S.;

- Plaintiffs’ Reply to Defendants’ Response in Opposition to Plaintiffs’ Motion to Exclude The Opinions And Testimony of Defense Expert Dr. Prashant Sinha, M.D.;
- Plaintiffs’ Reply to Defendants’ Response in Opposition to Plaintiffs’ Motion to Exclude The Opinions And Testimony of Defense Expert Donna-Bea Tillman, Ph.D.;
- Plaintiffs’ Reply to Defendants’ Response in Opposition To Plaintiffs’ Motion to Exclude The Opinions And Testimony of Defense Expert Kimberly A. Trautman, M.S.;
- Plaintiffs’ Reply to Defendants’ Response in Opposition to Plaintiffs’ Motion to Exclude The Opinions And Testimony of Defense Expert Robert D. Tucker, Ph.D., M.D.

(ECF No. 8.) The Motion to Temporarily Seal was filed pursuant to Case Management Order (“CMO”) 26-A (No. 2:18-md-2846, ECF No. 345). Plaintiffs file this motion in the event that its briefing pertains to materials marked “Confidential” or “Highly Confidential” by Defendants pursuant to CMOs 7 and 7-A (No. 2:18-md-2846, ECF Nos. 48, 190). CMO 26-A governs the unique situations of a party filing documents claimed by another party as “Confidential” or “Highly Confidential” under CMO 7 and 7-A and balances the need for such confidentiality being preserved with the public’s right to access court filings that are used to adjudicate substantive issues in this litigation.

Accordingly, Plaintiffs’ Motion to Temporarily Seal their Replies (ECF No. 88) is **GRANTED**. The Clerk shall accept filing of Plaintiffs’ briefing in Case No. 2:18-md-2846 and Case No. 2:18-cv-1320, and the Replies shall be sealed for seven days. If the party or third party that produced the “Confidential” or “Highly Confidential” information cited in Plaintiffs’ Replies fails to file a Motion to Seal **within seven days of service of the Reply**, the Clerk shall promptly remove the documents filed under seal and make it publicly accessible on the docket. If the producing party files a Motion to Seal **within**

seven days of service of the Reply, Plaintiffs' Replies will remain under seal until the Court rules on the Motion to Seal. The parties must separately move to seal pursuant to CMO 26-A any documents related to Plaintiffs' Replies or this Order.

IT IS SO ORDERED.

3/10/2021
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE

3/1/2021
DATE

s/Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE